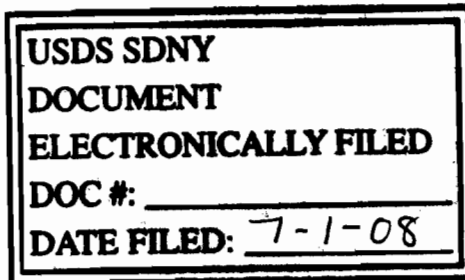


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Eric M. Falkenberry (EF 9001)
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New York, New York 10020
Attorneys for Plaintiff
THE GATORADE COMPANY



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
THE GATORADE COMPANY, a Delaware
Corporation,

Plaintiff,

- against -

OCTAVE ENTERTAINMENT FUND, LTD.,

Defendants.
----- X

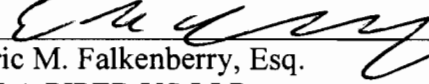
Civil Action No. 07 Civ. 8651 (LJS)

**NOTICE OF VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE PURSUANT TO
F.R.C.P. 41(a)(1)(A)(i)**

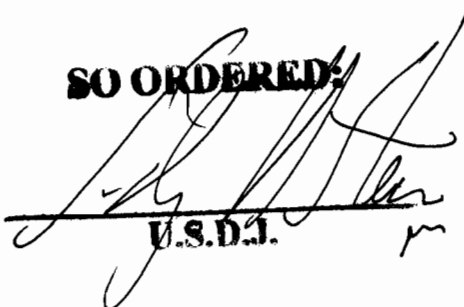
PLEASE TAKE NOTICE that Plaintiff, The Gatorade Company, voluntarily dismisses the above captioned action against Defendant, Octave Entertainment Fund, Ltd., without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), no answer or motion for summary judgment having been served in the action.

Dated: June 27, 2008
New York, New York

DLA PIPER US LLP

By: 
Eric M. Falkenberry, Esq.
DLA PIPER US LLP
1251 Avenue of the Americas
New York, New York 10020-1104
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SO ORDERED:


U.S.D.J.

-and-

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